

**POST CONSTITUTION
SIDNEY L. SMITH POST NO. 24, DEPARTMENT OF SOUTH DAKOTA**

PREAMBLE

For God and country, we associate ourselves together for the following purposes:

To uphold and defend the constitution of the United States of America; To maintain law and order; To foster and perpetuate a one hundred percent Americanism; To preserve the memories and incidents of our associations in all Wars; To inculcate a sense of individual obligation to the Community, State, and Nation; To combat the autocracy of both the classes and the masses; To make right the master of might; To promote peace and good will on earth; To safeguard and transmit to posterity the principles of justice, freedom and democracy; To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I - NAME

The name of this organization shall be Sidney L. Smith Post No. 24, The American Legion, Department of South Dakota.

ARTICLE II - OBJECTS

The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Departmental Constitutions of The American Legion

ARTICLE III - NATURE

Section 1. This post is a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 2. This organization shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Rank does not exist in The American Legion; no member shall be addressed by military or naval title in any meeting of this Post.

ARTICLE IV - MEMBERSHIP

Section 1. Eligibility to membership in this post shall be as prescribed by the National Constitution of The American Legion.

Section 2. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

Section 3. All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority of the members cast their vote against the acceptance of said application, then such application shall be recorded as rejected.

Section 4. Any member of this Post may be expelled for cause by a two-thirds vote of the Executive Committee after charges are preferred under oath in writing, and a fair trial had upon the same.

Section 5. A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in Post meeting, and the payment of current dues for the year in which the reinstatement occurs.

Section 6. No person who has been expelled by a Post shall be admitted to membership in this Post, without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, may then appeal to the state Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

ARTICLE V - OFFICERS

Section 1. The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of nine members. The term of office of members of the Executive Committee shall be as provided in the By-Laws. This post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of this Post shall be a commander, a first vice commander, a second vice commander, an adjutant, a finance officer, a Post historian, a Post chaplain, a sergeant-at-arms and an assistant sergeant-at-arms and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election, with the exception of Post Adjutant. The Post Adjutant shall be appointed by the Post Commander with such appointment confirmed by a majority vote of the Executive Committee at a regular meeting thereof. The annual election shall be held the first scheduled meeting in

April each year and officers installed prior to the Department Convention that year.

Section 3. All officers and executive committeemen shall be elected annually, and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committeeman may be removed for inefficiency by the Executive Committee, a two-thirds vote of said committee being necessary to effect such removal.

Section 4. Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 5. The duties of officers and the executive committee shall be those usually appertaining to such officers or committee and as further provided in the By-Laws.

ARTICLE VI - FINANCE

Section 1. The revenue of this Post shall be derived from membership or initiation fees, from annual membership dues and from such other sources as may be approved by the Post Executive Committee and members.

Section 2. The amount of such membership or initiation fees and the amount of such annual Post dues shall be fixed and determined by this Post.

Section 3. The Post shall forward to Departmental headquarters the National and Departmental annual membership dues for every member of the Post.

ARTICLE VII - CHARTER MEMBERS

Members who joined this Post prior to November 11, 1919 (or members who joined this post prior to the issuance of the charter) shall be known as charter members.

ARTICLE VIII - AMERICAN LEGION AUXILIARY

Section 1. This post recognizes an auxiliary organization to be known as the Auxiliary Unit of Sidney L. Smith Post No. 24, The American Legion.

Section 2. Membership in the Auxiliary shall be prescribed by the National Constitution of The American Legion Auxiliary

ARTICLE IX - AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Department Constitution of the Department of South Dakota. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution may be amended at any regular Post meeting by vote of two-thirds of the members of said Post attending such regular meeting, provided the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and provided, further, written notice shall have been given to all members at least ten days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon

Signed and attested by:

Steven Nemmers, Commander Date

Gary Warne, Adjutant Date
